

**Notice of Allowability**

Application No.

10/717,143

Applicant(s)

CHEUNG, LING YUK

Examiner

Randall Winston

Art Unit

1654

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 0301.
2. ☒ The allowed claim(s) is/are 1-10.
3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All   b) ☐ Some\*   c) ☐ None   of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 0305 and 0405
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

S.O.O.

## **DETAILED ACTION**

### ***Reasons for Allowance***

The claimed yeast composition and method for preparing a yeast composition instantly claimed is neither taught nor reasonably suggested by the prior art of record. Applicant have demonstrated and EMF-treated yeast composition and method for its preparation and administration, whereby after EMF exposure, the EMF-treated yeast showed unexpected enhanced properties. For example page 24 table 6 of the specification, showed that EMF-activated yeast composition were tested and found to ameliorate or reduce the incidence of gastritis (i.e. by increasing gastric acid secretion, decreasing the activity of pepsin and the amount of mucus, and increasing the serum gastrin concentration in a mammal), as compared to the control yeast composition, and the saline. The results demonstrated that rats in group AY who were given an activated yeast composition compared to rats of NY who were given a control yeast composition, and the saline (CK1) respectively demonstrated unexpected enhanced properties over groups NY and CK1 (see, e.g. table 6). Furthermore, page 25 table 7 of the specification, showed that EMF-activated yeast composition were tested and found to ameliorate or reduce the incidence of gastritis (i.e. by significantly reducing gastric lesion induced by anhydrous ethanol in a mammal), as compared to the control yeast composition. The results demonstrated that rats in group AY who were given an activated yeast composition compared to rats of NY who were given a control yeast composition and the saline (CK1) respectively demonstrated unexpected enhanced properties over groups NY and CK1 (see, e.g. table 7). Moreover, page 26 table 8 of

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the specification, showed that EMF-activated yeast composition were tested and found to ameliorate or reduce the incidence of gastritis (i.e. by significantly reducing gastric lesion induced by indomethacin in a mammal), as compared to the control yeast composition. The results demonstrated that rats in group AY who were given an activated yeast composition compared to rats of NY who were given a control yeast composition and the saline (CK1) respectively demonstrated unexpected enhanced properties over groups NY and CK1 (see, e.g. table 8).

**Claims 1-10 are allowed.**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Randall Winston whose telephone number is 571-272-0972. The examiner can normally be reached on 8AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bruce Campell can be reached on 571-272-0974. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

A handwritten signature in black ink, appearing to read "Bruce Campell", is written in a cursive style.

BRUCE R. CAMPPELL, PH.D  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1600

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).